

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAHRAM DAVID LAVIAN,

Plaintiff,

-v.-

IRA DANIEL TOKAYER, ESQ.,

Defendant.
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ORDER

08 Civ. 938 (PAC)(GWG)

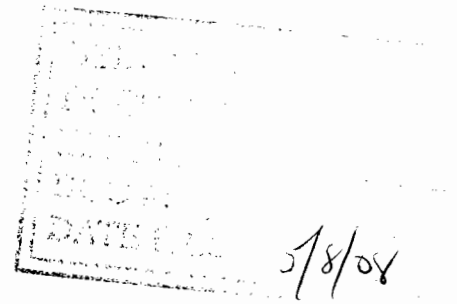
GABRIEL W. GORENSTEIN, United States Magistrate Judge.

The docket sheet in this action indicates that the complaint was filed on January 28, 2008 and that no proof of service of the summons and complaint has been filed. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

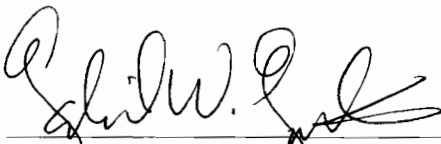
In accordance with this rule, plaintiff is directed to arrange for prompt service of the summons and complaint on the defendant(s). If service is not made by June 9, 2008, or if no application is made in writing by such date to extend the time for service showing good cause for the failure to serve, this action may be dismissed.

Please be aware that the Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 230, New York, New York 10007 (Telephone: (212) 805-0175) may be of assistance in connection with court procedures.



SO ORDERED.

Dated: May 8, 2008
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge

Copy to:

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